

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Original Application No. 1666 of, 1993

Vikram Sharma : : : : : Applicant

Versus

Union of India : : : : : Respondents
and Others

Hon'ble Mr. Maharaj Din, Member (J)

The applicant has filed this application seeking the relief for quashing the impugned orders dated 19.8.1993 and 06.10.1993 (Annexure I & II) by which the representation of the applicant was rejected,

2. The applicant was employed as Chargeman Tool Room under Dy.(C.M.E.), (Tooling) D.L.W. Varanasi. He was allotted Quarter No.560/G Type II in the residential campus of D.L.W. Varanasi. The quarter was allotted to the applicant by order dated 10.5.1985 and in pursuance of the same he occupied the quarter w.e.f. 14.5.1985 and since then he has been living in the quarter alongwith his family. The allotment of the quarter was cancelled under the pretext that the applicant had sublet the quarter. Hence he has approached this Tribunal for redressed.

3. The respondents have filed counter-reply and resisted the claim of the applicant.

[Signature]

4. Heard learned counsel for the parties and perused the record.

5. The applicant has stated that he occupied the quarter w.e.f. 14.5.1985 and since then he has been living in the said quarter. He denied the allegations of the respondents that the quarter was sublet by him to someone else. According to the case setup by the respondents in the counter-affidavit it is stated that the order of cancellation of allotment of the quarter was passed by the department after having adopted the due procedure. The spot inquiry was conducted after having served the notice on applicant. The applicant denied that no notice was served before the order of cancellation of allotment was passed nor any inquiry was ~~was~~ ^{was} conducted.

6. The above controversy now has been set at rest between the party by producing ^{before} the order of State Officer dated 18.2.1994 in which it is said that the allotment of quarter in the name of the applicant was cancelled on the basis of joint checkup conducted by a team on the ground of subletting. A show-cause notice was served to the applicant Sri Vikram Sharma and a personal hearing was given to him. He in support of his contention has said that he is staying in the quarter produce witness^s who are the residents of the same block and a Roshan Card issued in his favour also bears ^{the} entry that the applicant Vikram Sharma is residing in quarter no.560/G. The respondents on the basis of fresh inquiry conducted in the matter have

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recommended the case of the applicant to be reviewed by the Chairman, Housing Committee by making the observation/recommendation that from the document and the witnesses produce in support by the applicant, it is difficult to prove that Sri Vikram Sharma has sublet the quarter and is not residing himself.

7. Considering these facts and circumstances of this case, we allow the application of the applicant and the impugned order dated 19.8.1993 regarding cancellation of the applicant's allotment of the quarter is hereby quashed. There will be no order as to costs.


Member (J)

Allahabad, Dated 12th April, 1994

/M.M./